



OCT 18 2002

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/2900

#1

Attorney

Docket: 00362-03

Applicant: Steven Powell, et al.

Invention: Non-Invasive Detection of Helicobacter
Pylori Infection

Serial No: 09/831,669

Filed: May 11, 2001

Certificate Under 37 CFR 1.8(a)

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Patents, Washington, D.C. 20231

on October 7, 2002


Sue Ann Carr

CP
10/2/02

Response To Restriction Requirement

Assistant Commissioner
for Patents
Washington, D.C. 20231

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Technology Center 2600

Sir:

A Restriction Requirement was mailed on September 23, 2002, requesting applicants
to elect one of the following groups of claims:

Group I, claims 1-7 directed to a method of isolating amplifiable nucleic acids
from a solid stool sample;

Group II, claims 8-13 directed to a method for screening for an H. pylori
infection in a patient; and

Group III, claims 14-17 directed to a method of isolating amplifiable nucleic
acids from a solid stool sample.

Applicants hereby elect Group III, claims 14-17 with traverse. Applicants note
that the Group I and Group III claims are directed to identical subject matter. As indicated by
the Examiner in characterizing the three Groups of claims, Group I and Group III are both
directed to "a method of isolating amplifiable nucleic acids from a stool sample." The mere
fact that one Group of claims requires additional steps with regard to the other Group is not

sufficient to establish that they are directed to separate inventions. Applicants respectfully request the consolidation of the Group I and Group III into a single group and consideration of claims 1-7 and 14-17 within the existing application.

Applicants are not aware of any fees or extensions of time required for filing this Response, however, if any extension of time is required, please consider this a petition therefor. Applicants hereby authorize any fees which may be required, or any overpayment to be credited, to our deposit account No. 50-0423.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "John P. Breen", with a long horizontal flourish extending to the right.

John P. Breen

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